

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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MEDIEN PATENT VERWALTUNG AG,

Plaintiff,

Case No. 10 Civ. 4119 (CM)(GWG)

v.

WARNER BROS. ENTERTAINMENT, INC.,
TECHNICOLOR INC., and DELUXE
ENTERTAINMENT SERVICES GROUP INC.,

Defendants.
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**DECLARATION OF ALLAN A. KASSEN OFF IN SUPPORT OF DEFENDANT’S REPLY
MEMORANDUM OF LAW IN FURTHER SUPPORT OF ITS CROSS-MOTION FOR
SUMMARY JUDGMENT OF INVALIDITY OF THE PATENT-IN-SUIT**

ALLAN A. KASSEN OFF declares under penalty of perjury:

1. I am an attorney at law duly licensed to practice law in the State of New York, admitted to the United States District Court, Southern District of New York, and I am a shareholder with the law firm of Greenberg Traurig, LLP, attorneys of record for Defendant Deluxe Entertainment Services Group Inc. (“Deluxe”) in the above-entitled action, and make this declaration in support of Deluxe’s Reply Memorandum of Law in Further Support of its Cross-Motion for Summary Judgment of Invalidity of the Patent-in-Suit. Unless otherwise stated, I have personal knowledge of the facts set forth in this declaration, and if called as a witness, could and would competently testify as set forth below.

2. Attached hereto as Exhibit 1 is a true and correct copy of Deluxe’s Supplemented Objections and Responses to Nos. 7-14 of Plaintiff Medien Patent Verwaltung AG’s First Set of Interrogatories to Defendant Deluxe Entertainment Services Group Inc., dated March 8, 2013.

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the Expert Report of Richard J. Gering, Ph.D., dated April 26, 2013.

4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the deposition of Philip Saville, taken March 21, 2013.

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the deposition of Allan MacNeil, taken February 27, 2013.

6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the deposition of Jeffrey DeWolde, taken February 28, 2013.

7. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the Initial Expert Report of Wayne A. Hoeberlein, dated April 5, 2013.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

DATED: September 30, 2013

/s/ Allan A. Kassenoff
Allan A. Kassenoff

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2013, the foregoing was served upon all counsel of record via electronic mail.

/s/ Allan A. Kassenoff
Allan A. Kassenoff